रजिस्ट्री सं. डी.एल.-33004 / 96 REGISTERED No. DL-33004/96

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 21] नई दिल्ली, शुक्रवार, सितम्बर 6, 1996 / भाद्र 15, 1918
No. 21] NEW DELHI, FRIDAY, SEPTEMBER 6, 1996 / BHADRA 15, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 6th September, 1996:—

BILL NO. 57 OF 1996

A Bill to provide for uniform education throughout the country.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Uniform Education Act, 1996.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means the Central Government or the State Government, as the case may be; and

(ii) "education" means education upto higher secondary level.

Free and compulsory education.

3. It shall be the duty of the appropriate Government to provide free and compulsory education to every child irrespective of his caste, colour or creed.

Establishment of schools.

4. The appropriate Government shall establish and maintain schools in every district according to its population and need.

Uniform system of education in all schools.

5. There shall be uniform system of education in all schools whether owned by, or receiving aid out of the funds of the appropriate Government or owned or run by private organisations or individuals or societies or by minorities.

Free uniform and books etc. to students.

6. The appropriate Government shall provide breakfast, mid-day meal, uniform and books free of cost to all students in all schools.

Scholarship to poor students.

7. The appropriate Government shall provide rupees two hundred per month upto primary level and rupees four hundred per month upto higher secondary level as scholarship to every student the income of whose parents or guardian is less than one thousand rupees per month.

Recognition of educational certificates.

8. The appropriate Government shall not recognise for any purpose any educational certificate awarded by a school not following uniform pattern of primary and/or higher secondary education under the provisions of this Act.

Power to make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Article 45 of the Constitution provides that it shall be the duty of the State to provide free and compulsory education to all children until they attain fourteen years of age. Although, the Government has taken many steps to achieve this end, yet, they are not adequate. At present, we have schools run by the Government and those by private organisations and minorities. All these schools follow different patterns and as a result there is no uniformity in the education imparted in these schools.

Uniformity in the system of school education is imperative to arouse consciousness of national integration in the highly sensitive and impressionable minds of the children. The type of education imparted to the children at the school level determines their growth in the final analysis as future citizens of the country.

Moreover, uniform system of education would avoid any feelings of discrimination or denial of equal opportunities in the matter of career advancement.

Although the Government has taken many steps to provide free education, the parents are not allowing their children to study. Due to poverty they send their children to earn money and this results in increase in the child labour in the country. Therefore, it is necessary to provide them with free meals, uniforms, books and scholarship so that such parents are tempted to send their children to schools.

It is, therefore, proposed to provide for uniform and free education upto the higher secondary stage.

Hence this Bill.

NEW DELHI;
July 2, 1996.

DR. RAMESH CHAND TOMAR.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free and compulsory education. Clause 4 provides that appropriate Government shall establish and maintain schools in every district according to its population and need for the purpose of imparting education. It is not known how many schools will be required for carrying out the provisions of the Bill. Some expenditure will be involved in setting up of schools and provision of free meals, uniform, etc. and scholarships to poor students (clauses 6 and 7). The expenditure in respect of schools in Union Territories shall be met out of the Consolidated Fund of India. Expenditure in respect of schools established in State shall be met out of the respective Consolidated Funds of the States although some assistance may be extended by the Central Government.

It is estimated that an annual recurring expenditure of about rupees ten crore is likely to be involved. A non-recurring expenditure to the tune of rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 75 OF 1996

A Bill to provide for declaration and public scrutiny of assets of Ministers.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Declaration of Assets by Ministers Act, 1996. Short title and commencement.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,— Definitions.

(*i*) "asset" includes all properties, both movable and immovable held by a Minister or his dependent legally or in *benami* within the country and/or abroad;

(*ii*) "dependent" includes spouse, parents, sons and unmarried daughters.

(*iii*) "Minister" includes Cabinet Minister, Minister of State and Deputy Minister of the Union Government;

(*iv*) "prescribed" means prescribed by rules made under this Act.

3. Every Minister shall submit to the Speaker of the House of the People a return of all the assets possessed by him and his dependents within one month of being sworn in as a Minister in the form to be prescribed. Declaration of assets.

Annual returns.

4. It shall be incumbent on the part of every Minister to submit annual returns of the assets, including mortgaged property or gift items of the value of rupees five thousand or more, held by him and his dependents within one month from the beginning of every financial year.

Availability of the returns to the public.

5. A copy of a return filed by a Minister shall be made available to any member of public on payment of a fee to be prescribed.

Power to make rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The political corruption is on the increase. The people are losing their faith in the politicians. The reports about corrupt practices by the Ministers are quite common these days resulting in loss of public faith in democracy. Therefore, in order to cleanse the public life it should be ensured that the Ministers are above board.

Hence this Bill.

NEW DELHI;
July 2, 1996.

DR. RAMESH CHAND TOMAR.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 99 OF 1996

A Bill to provide for the appointment of a Commission to oversee the administration of the secretarial staff of the House of the People and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the House of the People (Administration) Act, 1996.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Commission" means the House of the People Commission constituted under section 3 of this Act;

(*b*) "House" means the House of the People;

(*c*) "Leader of the House" means the Prime Minister or a member of the Council of Ministers, who, being a member of the House, may be nominated by the Prime Minister for the purposes of this Act;

(*d*) "Leader of the Opposition" means a member of the House who is recognised by the Speaker as such or his nominee, who shall be a member of the House, and if there is no such leader, then the leader of the party in the Opposition having the largest number of members in the House;

(*e*) "Secretarial Staff" means the staff of the House of the People;

(*f*) "Secretariat" means the Secretariat of the House of the People; and

(*g*) "Speaker" means Speaker of the House of the People.

Constitution and Composition of the Commission.

3. (*1*) **There shall be constituted a Commission to be known as the House of the People Commission to perform the functions conferred on it by this Act.**

(*2*) The Commission shall be appointed by the House on a motion moved by the Leader of the House and adopted by the House.

(*3*) The Commission shall consist of the following:—

(*a*) the Speaker;

(*b*) the Deputy Speaker of the House;

(*c*) the Leader of the House;

(*d*) the Leader of the Opposition; and

(*e*) three members of the House to be elected by the system of proportional representation by means of a single transferable vote.

Time upto which Speaker and Leader of the House continue as Members of Commission.

4. The Speaker and the Leader of the House shall continue to be the members of the Commission until immediately before the assumption of the office by their respective successors.

Cessation of membership of the Commission.

5. A member of the Commission other than the Speaker and the Leader of the House shall cease to be a member of the Commission if he ceases to be a member of the House.

Chairman of the Commission.

6. (*1*) The Speaker shall be the *ex-officio* Chairman of the Commission.

(*2*) While the office of the Speaker is vacant, the Deputy Speaker of the House shall function as the Chairman of the Commission and, if for any reason, the Speaker is unable to act as the Chairman of the Commission, the Deputy Speaker shall act as the Chairman of the Commission.

Appointment of Secretary-General.

7. (*1*) There shall be a Secretary-General of the House who shall be appointed by the President of India on the recommendation of the Commission.

(*2*) The Secretary-General shall be appointed from amongst those who have distinguished themselves and made their mark in the service of the House in various capacities in the Secretariat for not less than 20 years.

(*3*) The Secretary-General shall be the head of the Secretariat.

Vacation and resignation of, and removal from, the office of Secretary-General.

8. The office of the Secretary-General shall become vacant—

(*a*) On his attaining the age of superannuation, as may be fixed by the Commission;

(*b*) on his resignation in writing addressed to the President of India;

(*c*) on his removal from office by the President of India in the same manner as is provided for the removal of a Judge of the Supreme Court under clause (4) of article 124 of the Constitution.

Functions of the Commission.

9. Save as otherwise provided in this Act, the functions of the Commission shall include the following:—

(*a*) to frame rules regulating the recruitment, appointment, promotion and other service conditions of the Secretary-General and officers and staff of the Secretariat;

(*b*) to adopt such service rules of the Government of India as it may deem fit;

(*c*) to appoint officers and staff on deputation to posts in the Secretariat from other services such as Judicial services or from office of the Comptroller and Auditor General or from State Legislatures;

(*d*) to determine the strength of the secretarial staff at various levels and their pay scales and other allowances;

(*e*) to ensure that the classification, grading, salaries, allowances and other conditions of service, including pension and other benefits, of the personnel in the Secretariat are kept generally in conformity with those of the personnel in other comparable services in the Government of India and also consistent with the service requirements of the House;

(*f*) to consider and decide appeals against the orders of the Speaker or Secretary-General, as the case may be, submitted by the officers and staff of the Secretariat;

(*g*) to prepare an estimate for each financial year of the expenses of the services of the House and of any other expenses incurred for the service of the House and lay them before the House;

(*h*) to appoint a member of the secretarial staff as "Finance Officer" who will be responsible for accounting for the sums paid out of money provided by Parliament for the service of the House; and

(*i*) to exercise all powers necessary to implement the provisions of clause (1) of article 98 of the Constitution of India towards the constitution of a separate, independent and autonomous Secretariat of the House.

Delegation of functions of the Commission.

10. (*1*) The Commission may delegate to the Speaker or Secretary-General any of its functions under this Act.

(*2*) Anything done by or in relation to a person, to whom functions are delegated under this section, in the discharge of functions of the Commission, shall have the same effect as if done by or in relation to the Commission.

(*3*) Any delegation of functions made by the Commission under this section or any amendment or revocation of such delegation shall be mentioned in the annual report of the Commission made under section 12.

(*4*) Notwithstanding anything contained in this section, the Commission shall retain the ultimate responsibility for considering any representation made, in relation to matters affecting the interests, in connection with the employment of the secretarial staff, by staff associations who are recognised by the Commission in respect of such staff, and for the conduct of consultations and negotiations, about such matters with those staff associations.

Validity of the proceedings of the Commission.

11. The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission, or by any defect in the appointment or nomination of any members of the Commission.

Annual Report of the Commission.

12. The Commission shall as soon as possible, after the end of every financial year, prepare, print and present to the House a report on the exercise of its functions in that year.

Power to make rules.

13. (*1*) The Commission may make rules to regulate its procedure and conduct of its business;

(*2*) The Commission may, by notification in the official Gazette, make rules to regulate recruitment and conditions of service of the secretarial staff.

(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before the House, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule, or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

(*4*) Any notice of amendment to such rules given by a member shall stand referred to the Commission who shall consider it and make such changes in the rules as the Commission may consider fit.

(*5*) The final rule made by the Commission after taking into consideration the amendments suggested by the members shall be laid before the House and, thereafter, on the House agreeing to the final rule on a motion made by a member of the Commission, the rule or amendment to a rule, as the case may be, shall be promulgated by the Commission by notification in the official Gazette.

Transitional provisions.

14. All persons employed in the secretarial staff immediately before the coming into force of this Act, shall be treated, for all purposes, as if their appointment had been made by the Commission, unless the Commission decides otherwise.

Saving.

15. All rules, regulations and orders made and in force immediately before the coming into force of this Act, shall be deemed to have been made by the Commission and shall continue to be valid and operative unless modified or revoked by the Commission; so, however, anything contained therein being inconsistent with any provisions of this Act, shall be of no effect and be void to the extent of such inconsistency.

STATEMENT OF OBJECTS AND REASONS

The concept of an independent Secretariat of Parliament is an essential adjunct of Parliamentary democracy. The significance of this conceptualisation of a Secretariat independent of the Executive was fully realised in the 1920s when the then Central Legislative Assembly passed unanimously a resolution moved by Pandit Motilal Nehru and seconded by Lala Lajpat Rai. Later, Vithalbhai Patel ceaselessly endeavoured in this direction.

The independent position of the Secretariats of the Houses of Parliament was recognised by the makers of our Constitution when they considered it necessary to incorporate a separate and exclusive article (article 98) in the Constitution. This article envisages enactment by Parliament of a law to regulate the recruitment and conditions of service of persons appointed to the secretarial staff of the House. The enactment of such a legislation is long overdue.

The unique position of the Lok Sabha Secretariat demands, as it does, a special sense of dedication and impartiality from the secretarial staff in the discharge of their duties and requires a broad-based institutional arrangement representing the House to be statutorily made available to assist the Speaker in watching and safeguarding the interests of the secretarial staff in the service of the House and its members. This institutional arrangement is sought to be made by providing a House of the People Commission. Hence this bill.

NEW DELHI;
July 3, 1996.

G. M. BANATWALLA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for the constitution of a House of the People Commission. Its members are the members of the House of the People who would be discharging their duties in relation to the Commission as its members. The expenditure towards the payment of their TA/DA, if any, would be a part of the normal expenditure of the House. The increase in the expenditure, if any, as a result of constituting the Commission would be a marginal one that would not be possible to be quantified in specific terms at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill seeks to confer on the Commission the power to make rules for carrying out the purposes of this Act. The matters in respect of which such rules may be made are matters of procedure and administrative details. The delegation of legislative power is, therefore, of a normal character.

BILL No. 72 OF 1996

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 80.

2. In article 80 of the Constitution, after clause (*5*), the following clause shall be inserted, namely:—

"(6) Not less than one-third of the total number of seats under clause (1), including those filled through nominations by the President in accordance with the provisions of clause (3), shall be reserved for women and allotted by rotation to different States and Union territories.".

Amendment of article 81.

3. In article 81 of the Constitution, after clause (*2*), the following clause shall be inserted, namely:—

"(2A) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes under article 330) of

the total number of seats to be filled by direct election in each State and Union territory shall be reserved for women and allotted by rotation to different constituencies in a State or Union territory.".

Amendment of article 170.

4. In article 170 of the Constitution, after clause (*1*), the following clause shall be inserted, namely:—

"(1A) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes under article 332) of the total number of seats to be filled by direct election in the Legislative Assembly of every State shall be reserved for women and allotted by rotation to different constituencies in that State.".

Amendment of article 171.

5. In article 171 of the Constitution, after clause (*5*), the following clause shall be inserted, namely:—

"(6) Not less than one-third of the total number of seats to be filled through elections under sub-clauses (a), (b), (c) and (d) of clause (3) and through nomination by the Governor under sub-clause (e) of the said clause shall be reserved for women.".

Amendment of article 330.

6. In article 330 of the Constitution, after, clause (*2*), the following clause shall be inserted, namely:—

"(2A) Not less than one-third of the total number of seats reserved under sub-clauses (a), (b) and (c) of clause (1) shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes.".

Amendment of article 331.

7. In article 331 of the Constitution, the following proviso shall be added at the end, namely:—

"Provided that one of the members so nominated shall be a woman.".

Amendment of article 332.

8. In article 332 of the Constitution, after clause (*6*), the following clause shall be inserted, namely:—

"(7) Not less than one-third of the total number of seats reserved under clauses (1) and (2) shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes.".

STATEMENT OF OBJECTS AND REASONS

1. Though the Preamble to the Constitution of India promises to secure for all its citizens Justice, Liberty, Equality and Fraternity, as much as 50 per cent. of our people continue to suffer from social, political and economic discrimination because they happen to be women. While it is true that several Acts of Parliament and corresponding laws passed by the State Assemblies have sought to correct the imbalances of a patriarchal social order and eradicate gender bias, these have at best benefited a minuscule section of women. The Right to Equality, which heads the list of the Fundamental Rights enshrined in Part III of the Constitution and especially, article 15, remains a distant chimera for most women—for them, womanhood is both a burden and a handicap.

2. The most effective means of ensuring that women become equal participants in policy-making process and co-sharers of legislative power, is by enabling their political representation in all levels of democratic governance, including State Legislatures and Parliament.

3. The first step towards correcting the present gender imbalance in our representative bodies was made through the Constitution (Seventy-third Amendment) Act, 1992, and the Constitution (Seventy-fourth Amendment) Act, 1992, which ensured women's participation in local self-governance through reservation of seats for them. Both these laws have resulted in enthusiastic participation by women in the political process at the grass root level.

4. Keeping in view the need to ensure women's representation in legislatures, both at the State-level and at the Centre, it is imperative that the system of reserving one-third seats for women, including those reserved for Scheduled Castes and Scheduled Tribes, be extended to State Legislative Assemblies, State Legislative Councils and to both Houses of Parliament. This is the best way to empower women and use their talent that has so far remained untapped.

5. Accordingly, relevant Constitutional provisions regarding the composition, constitution and membership of State Legislative Assemblies, State Legislative Councils, the Council of States and the House of the People need to be amended to ensure that not less than one-third of each of these Legislative bodies comprises women members.

6. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
July 4, 1996.

ATAL BIHARI VAJPAYEE.

BILL No. 58 OF 1996

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1996.

Amendment of Tenth Schedule.

2. In the Tenth Schedule to the Constitution of India,—

(*i*) in paragraph 1, after clause (*d*), the following clause shall be inserted, namely:—

"(*e*) "unattached member" means an elected member of a House who has been expelled from the membership of his original political party and declared as such by the Chairman or the Speaker of a House."; and

(*ii*) in sub-paragraph (*1*) of paragraph 2, after Explanation, the following proviso shall be inserted, namely:—

"Provided that a member who has been declared as an unattached member by the Chairman or the Speaker of a House shall not be deemed to belong to the political party by which he was set up as a candidate for election as such member from the date he is declared as an unattached member and the provisions of clause (*b*) of sub-paragraph (*1*) of this paragraph shall not apply to such member.".

STATEMENT OF OBJECTS AND REASONS

The Tenth Schedule to the Constitution popularly known as the anti-defection law, contains certain ambiguities which have come to light in the course of its application since it has come into operation. The main problem that has arisen is with regard to the status and rights of a member who has been expelled from the membership of a political party by which he was set up as a candidate for election. As per the present provisions of the Tenth Schedule, an expelled member would be disqualified for being a member of the House if he violates any direction issued by the whip of the party which expelled him. The first landmark decision on this aspect after the law came into effect, invented the term 'Unattached' in order to get round this problem. But this term is not a part of the law, with the result, a different view can be taken in a similar situation in future. It is, therefore, necessary to amend the law so as to make this term a part of it and put an end to the ambiguity in this respect. The Bill seeks to achieve this object by suitably amending the Tenth Schedule to the Constitution of India.

NEW DELHI;
July 4, 1996.

RAMESH CHENNITHALA.

BILL No. 56 OF 1996

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Constitution (Amendment) Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Amendment of article 19.

2. In clause (4) of article 19 of the constitution after the words "in the interests of the", the words "Secularism or" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

India is standing at the cross roads. The Republic which was founded on the principle of democracy and secularism is facing serious challenges from the forces of religious obscurantism and fundamentalism. If these divisive forces are allowed to succeed, these will jeopardise the very existence of this nation as a united, integrated, liberal democratic and pluralistic society. It, therefore, becomes the duty of the sovereign Parliament, which reflects the will of the people, to initiate legislative measures to enable the State to check the activities of the obscurantist and fundamentalist forces.

The Bill, therefore, seeks to amend article 19(4) of the constitution with a view to enabling the State to impose reasonable restrictions on the fundamental rights to form associations and unions in the interest of secularism.

NEW DELHI;
July 4, 1996.

RAMESH CHENNITHALA.

BILL No. 85 OF 1996

A Bill to amend the Protection of Human Rights Act, 1993.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the protection of Human Rights (Amendment) Act, 1996.

(*2*) It shall come into force at once.

Amendment of section 2.

2. In section 2 of the Protection of Human Rights Act, 1993 (hereinafter referred to as the principal Act), in sub-section (1), clause (a) shall be omitted. 10 of 1994.

Omission of section 19.

3. Section 19 of the principal Act shall be omitted.

Substitution of new section for section 30.

4. For section 30 of the principal Act, the following section shall be substituted, namely:—

Human Rights Courts.

"30. For the purpose of providing speedy trial of offences arising out of violation of human rights, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, set up for each district a special court to be a Human Rights Court to try the said offences.".

STATEMENT OF OBJECTS AND REASONS

The Protection of Human Rights Act, 1993, which was recently enacted is a landmark legislation in the field of human rights. The Act, no doubt, meets the demand of the present times and takes care of all kinds of violations of human rights. However, there are two serious shortcomings in this Act which may render it less effective than what it was intended to be. The first shortcoming is the special procedure to be followed by the Commission in dealing with complaints of human rights violations by members of the armed forces under section 19 of the Act. The commission, as such, has no authority to investigate or try the offences committed by the members of the armed forces. Since the members of the armed forces are likely to become target of malicious attack by vested interests and since the special procedure prescribed for members of armed forces is, in essence, against the spirit of this legislation, it would be proper that armed forces are also brought under the jurisdiction of the Commission and the special procedure with respect to armed forces be dispensed with.

The second shortcoming is that of the discretionary provision of setting up of special courts for trying the offences under this law. Since these offences are being treated on a special footing, the instrumentality of ordinary courts will be ineffective and time-consuming and hence would defeat the object of the law. Therefore, it has been proposed that it should be made obligatory on the part of the State Governments to set up special courts for each district for speedy trial of offences arising out of violations of human rights.

The Bill seeks to achieve these objects.

NEW DELHI;
July 4, 1996.

RAMESH CHENNITHALA.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that every State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, set up special courts in each district for speedy trial of offences arising out of violation of human rights. The setting up of special Courts in Union territories will involve expenditure out of the Consolidated Fund of India. As far as states are concerned, the expenditure involved for setting up of special Courts shall be borne out of the Consolidated Funds of the respective States. However, the Central Government may have to assist the State Governments in setting up of Special courts.

The Bill, therefore, if enacted, will involve expenditure out of the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty five lakh per annum.

It is also likely to involve a non-recurring expenditure of about rupees ten lakh from the Consolidated Fund of India.

BILL NO. 82 OF 1996

A Bill to provide for the constitution of a Commission for the purpose of recommending to the Government the remunerative prices for spices and other cash crops.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Spices and Cash Crops Prices Commission Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires, 'spices' includes Cardamom, Ginger, Chinnamon, Cassia and such other crops as the Central Government may, by notification in Official Gazette, include from time to time.

Constitution of Spices and Cash Crops Prices Commission.

3. *(1)* **The Central Government shall constitute a body to be known as the Spices and Cash Crops Prices Commission, hereinafter referred to as 'Commission', to perform the functions assigned to it under this Act.**

(2) **The Commission shall consist of a Chairman and four members who shall be appointed by the President.**

(3) The Chairman and the members appointed to the Commission shall possess special knowledge about the spices and cash crops.

Term of office and conditions of service of Chairman and members.

4. (1) The Chairman and every member of the Commission shall hold office for a period not exceeding five years.

(2) **The salaries and allowances payable to and the other terms and conditions of service of the Chairman and members shall be such as may be prescribed.**

Officers and other employees of the Commission.

5. (1) **The Central Government shall provide the Commission with such Officers and other employees as may be necessary for the efficient performance of the functions of the Commission under this Act.**

(2) **The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.**

Functions of the Commission.

6. It shall be the duty of the Commission to fix and declare the remunerative prices of spices and cash crops.

Norms for fixing remunerative prices.

7 The Commission shall, before determining the remunerative prices, take into consideration all relevant factors but in particular the following, namely:—

(i) the average capital investment made by the growers;

(ii) the average labour charges;

(iii) the expenditure on crop insurance scheme, if any;

(iv) the interest on loans borrowed for the purposes of production of spices;

(v) the maintenance cost of the farm;

(vi) any concession, rebate or subsidy given by the Government in connection with the production of spices;

(vii) the prevailing price of spices in the open market; and

(viii) climatic conditions and incidence of natural calamities like floods, drought, hail-storm, untimely rains, etc.

Remunerative prices fixed by the Commission to be final.

8. The Central Government shall accept the recommendations of the Commission in full and the remunerative prices so fixed by the Commission shall be final and binding on the Government.

Power to make rules.

9. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Spices and other cash crops constitute the backbone of the country of the State of Kerala. Over a period of time, the prices of these crops have tended to decline steeply causing irreparable damage to the economy of the State as a whole and to the growers of these crops in particular and also loss of valuable foreign exchange. On one hand the cost of production of these spices and cash crops has increased phenomenally and on the other the prices have declined steeply. Moreover, there is no effective mechanism for market intervention in the event of steep decline in the prices of these crops.

A situation has thus arisen where it has become necessary to devise some institutional mechanism to compute the cost of production of the spices and cash crops in a scientific manner and recommend a support price which is remunerative to the growers. This purpose can be achieved through the instrumentality of a statutory Commission.

The Bill, thus, provides for the constitution of such a Commission.

NEW DELHI;
July 4, 1996.

RAMESH CHENNITHALA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of Spices and Cash Crops Prices Commission. The Commission shall consist of a Chairman and four other members. Clause 4 provides for the salary and allowances payable to the Chairman and members of the Commission. Clause 5 provides for the appointment of officers and other employees of the Commission and also for the salary and allowances payable to them. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of the order of rupees twenty lakh is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 76 OF 1996

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Amendment) Act, 1996.

(*2*) It shall come into force at once.

43 of 1951

Insertion of new section 29B.

2. After section 29A of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Maintenance of accounts by political parties.

"29B. Every registered political party shall maintain accounts of its receipts and expenditure disclosing the sources of receipts and items of expenditure and render the accounts annually for scrutiny by the Election Commission.".

Amendment of section 77.

3. In Section 77 of the principal Act, in sub-section (1),—

(*i*) after the words "keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent", the words, "which shall include expenditure incurred by the political party to which he belongs, his friends and associations," shall be inserted; and

(*ii*) for *Explanation* 1 and proviso thereto, the following *Explanation* shall be substituted, namely:—

"*Explanation* 1.—The expenditure incurred by a political party on general party propaganda including expenditure incurred on travel for conducting general election campaign and visits to the constituencies of its candidates shall not be deemed to be expenditure for the purposes of this sub-section.".

Amendment of section 78.

4. In section 78 of the principal Act, in sub-section (1), after the words "an account of his election expenses", the words, "including the expenses incurred by a political party to which he belongs, his friends and associations," shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The twin fold objects of sections 77 and 78 of the Representation of People Act, 1951, are the need to spend reasonable money for elections and the need to maintain purity of election by curbing unrestrained use of money power.

Explanation 1 to section 77(1) was enacted to overrule the effect of Supreme Court judgement in *Kanwarlal Gupta's case* 1975 (3) SCC 646 which while interpreting expression "incurred and authorised" in section 77(1) held that for a political party or friends or associations incurring expenditure for the election of their candidates, it would be reasonable to infer that candidate impliedly authorised it and could not escape the rigour of prescribed ceiling on expenditure.

The Election Laws (Amendment) Bill, 1977 (Bill No. 153 of 1977) which, *inter alia*, sought to omit *Explanation* 1 to section 77(1) because far from ensuring free and fair election, it had the effect of increasing money power, however, lapsed.

Since then there has been an alarming increase in money power polluting free and fair elections and the Supreme Court in two recent judgements, 1994 Supp (3) SCC 170 and 1994(1) SCC 686, has held that it is for Parliament to act.

The Supreme Court in C. Narayanaswamy vs. C.K. Jaffer Sharief and others has held:—

> "As the law stands in India today anybody including a smuggler, criminal or any other anti-social element may spend any amount over the election of any candidate in whom such person is interested for which no account is maintained.... At the same time it cannot be accepted that such amounts should come from hidden source which are not available for public scrutiny.... If the call for "purity of elections" is not reduced to be a lip service or slogan then persons investing funds in furtherance of the prospects of the election of a candidate must be identified and located. The candidate should not be allowed to plead ignorance about the persons who made contributions and investment for the success of candidate concerned at the election."

Similarly in Gadakh Yashwantrao Kankarrao vs. E.V. Alias Balasaheb Vikhe Patil & Ors. case, the Supreme Court after narrating the adverse effect of money power in impairing the purity of election candidly stated:—

> "The growing influences of money power has also the effect of criminalization of politics".

Because of the *Explanation* 1 to section 77(1) introduced by an amending Act 58 of 1974, the Supreme Court further observed that the provision prescribing ceiling on expenditure "suffers violation through route" and that ceiling on expenditure was a "mere eyewash" and there was no check on election expenses for which the section was enacted to attain meaningful democracy. The Supreme Court having pointed out the loophole created by the *Explanation* to give unrestrained use of money power to pollute free and fair elections observed:—

> "This lacuna in the law is, however, for the Parliament to fill lest the impression is reinforced that its retention is deliberate for the convenience of everyone. If this be not feasible it may be advisable to omit the provision to prevent the resort to indirect methods for its circumvention and subversion of the law, accepting without any qualm the role of money power in the elections. This provision has ceased to be even a fig leaf to hide the reality."

Recently, the Supreme Court in G.K. Bapat & Ors. vs. Datta R. Meghe & Ors. in C.A. No. 640 of 1993 judgement dated July 18, 1995 held that.....

> "It is, therefore, appropriate for the Legislature or Election Commission to intervene and prescribe by Rules the requirements of maintaining true and correct account of the receipt and expenditure by the political parties by disclosing the sources of receipts as well. Unless this is done the possibility of purity of election being soiled by money influence cannot really, be ruled out. The political parties must disclose as to how much amount was collected by it and from whom and the manner in which it was spent so that the court is in a position to determine 'whose money was actually spent' through the hands of the party".

It is, therefore, necessary to preserve the salutory object of imposing ceiling on expenditure incurred by candidates in elections and make political parties to maintain accounts to curb the baneful influences of huge amount of money which supplies the purity of election process and leads to worst form of political corruption.

Hence this Bill.

NEW DELHI;
July 5, 1996.

ATAL BIHARI VAJPAYEE.

BILL No. 89 OF 1996

A Bill to check unauthorised entry of foreign nationals into the country and for their deportation to the countries of their origin and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Prevention of Influx of Foreign Nationals in the Country Act, 1996.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "dependent" includes wife and children of an unauthorised foreign national;

(b) " document" includes a valid passport, visa or a travel permit;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "unauthorised foreign national" means a person who has entered or sneaked into the country without a document.

Census of unauthorised foreign nationals.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall as soon as may be, after the commencement of this Act, undertake a census of all the unauthorised foreign nationals living in the country.

(2) The census data so collected shall be made public forthwith through notification in the Official Gazette.

Deportation of unauthorised foreign nationals.

4. (1) The Central Government shall, soon after the census is over, prepare a list of unauthorised foreign nationals in the country and draw a phased programme of their deportation to the countries of their origin.

(2) No unauthorised foreign national shall be allowed to stay in the country on the ground of his long and continuous stay or his having acquired immovable property in the country.

(3) No voting rights, educational facilities, financial assistance or such other assistance as may be prescribed, shall be provided to an unauthorised foreign national in the country.

Punishment for giving shelter to unauthorised foreign nationals.

5. Whoever gives shelter to an unauthorised foreign national or conceals the identity of such a person shall be punishable with imprisonment which may extend to one year or with fine or with both.

Measures to prevent entry of unauthorised foreign nationals.

6. With a view to preventing entry of unauthorised foreign national in the country, the Central Government shall take the following steps, namely:—

(a) to provide border fencing and establish the required number of check posts along the international borders of the country;

(b) simultaneously create a security belt along the international borders of the country; and

(c) intensify its vigil on the entire sea coast of the country and strengthen the Coast Guard organisation.

Maintenance of National Register.

7. (1) The Central Government shall prepare and maintain a National Register containing names and other particulars, as may be prescribed, of all the citizens who are continuously staying in the country since fifteenth day of August, 1947.

(2) The Central Government shall ascertain the bonafides of an applicant or his parents in the country before his name is entered in the Register.

(3) The names of unauthorised foreign nationals or their descendents shall not be entered in the Register.

Identity cards to citizens.

8. Every citizen of the country shall be issued with an Identity card duly signed by the District Magistrate or any other Officer of the Central Government or the State Government who may be authorised in this behalf by the Central Government.

Deportation of persons overstaying in the country.

9. The Central Government shall take necessary steps to—

(a) detect cases of foreign nationals who came to India on the basis of valid documents but did not return to their country of origin on the expiry of the time limit specified in their documents;

(b) deport such overstaying persons to the countries of their origin;

(c) make public a list of persons who overstayed in the country and who were later declared as untraceable; and

(d) trace such persons and deport them to the countries of their origin.

57 of 1955.

Assistance to foreign nationals compelled to migrate to India.

10. Notwithstanding anything contained in this Act or the Citizenship Act, 1955 the Central Government may, on an application made in the prescribed form, grant civil, political and citizenship rights to the nationals from Pakistan or Bangladesh who were or are compelled to migrate to India due to religious persecution, discrimination, victimisation or intimidation.

31 of 1946.
39 of 1983.

Application of other laws not barred.

11. The provisions of this Act shall be in addition to and not in derogation of the Foreigners Act , 1946 and the Illegal Migrants (Determination by Tribunals) Act, 1983 or any other law for the time being in force.

Power to make rules.

12. The Central Government may, be notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There has been a large scale influx of unauthorised foreign nationals into our country since 1947. This has put a heavy burden on the country which is already affected by over population. The presence of unauthorised foreign nationals in the country has also been a source of threat to the security and integrity of the country.

It is necessary to detect all unauthorised foreign nationals and deport them to the countries of their origin. There is also need to maintain a National Register of all the citizens and to issue an identity cards to them.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 9, 1996.

KRISHAN LAL SHARMA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for census of all the unauthorised foreign nationals in the country. Clause 4 provides for deportation of unauthorised foreign nationals to the countries of their origin. Clause 6 provides for measures to prevent entry of unauthorised foreign nationals. Clause 7 provides for maintenance of a National Register of citizens. Clause 8 provides for issuing of identity cards to every citizen of the country. Therefore, the Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees ten crore per annum.

A non-recurring expenditure to the tune of rupees fifteen lakh is also likely to be incurred.

———

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 84 OF 1996

A Bill to amend the Prevention of Insults to National Honour Act, 1971.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 1996.

Amendment of Section 3.

2. In Section 3 of the Prevention of Insults to National Honour Act, 1971, after the words "the Indian National Anthem", the words "and the National Song of India" shall be inserted. 69 of 1971.

STATEMENT OF OBJECTS AND REASONS

The Prevention of Insults to National Honour Act, 1971 provides for punishment to any person who intentionally prevents the singing of the Indian National Anthem or causes disturbance to any assembly engaged in such singing.

The framers of the Constitution recognised *Vande Mataram* as the National Song of India and gave it a status equal to the National Anthem *Jana Gana Mana*. In this context Dr. Rajendra Prasad, President of the Constituent Assembly of India, made the following statement in the Assembly on the 24th January, 1950:—

> "The composition consisting of the words and music known as the Jana Gana Mana is the National Anthem of India, subject to such alternations in the words as the Government may authorise as occasion arises; and the song *Vande Mataram*, which has played a historic part in the struggle for Indian freedom, shall be honoured equally with *Jana Gana Mana* and shall have equal status with it. I hope this will satisfy the Members."

In Parliament, the National Anthem is played at the commencement and the National Song is played on the concluding day of each session of Parliament. Several legislatures also do so.

It is, therefore, appropriate that intentional prevention of the singing of the National Song—*Vande Mataram* or causing disturbance to any assembly engaged in such singing is also made a punishable offence under the Prevention of Insults to National Honour Act, 1971.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 9, 1996.

KRISHAN LAL SHARMA.

BILL No. 63 OF 1996

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1996.

Amendment of Article 51A.

2. In clause (a) of article 51A of the Constitution, for the words "and the National Anthem", the words, "the National Anthem and the National Song" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Article 51A of the Constitution of India relating to the Fundamental Duties of Citizens, *inter alia*, provides that it shall be the duty of every citizen of India to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

The framers of the Constitution recognised "Vande Mataram" as the National Song of India and gave it a status equal to that of the National Anthem. In this context Dr. Rajendra Prasad, President of the Constituent Assembly made the following statement in the Assembly on the 24th January, 1950:—

"The composition consisting of the words and music known as the *Jana Gana Mana* is the National Anthem of India, subject to such alterations as the Government may authorise as occasion arises; and the song *Vande Mataram*, which has played a historic part in the struggle for Indian freedom, shall be honoured equally with *Jana Gana Mana* and shall have equal status with it. I hope this will satisfy the Members.".

In Parliament, the National Anthem is played at the commencement and the National Song is played on the concluding day of each session. Several legislatures also do so.

It is, therefore, appropriate that respect for the National Song may also be included in the Constitution as one of the Fundamental Duties of every citizen.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 9, 1996.

KRISHAN LAL SHARMA.

BILL No. 66 OF 1996

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new article 371HA. Special provision with respect to the States of Madhya Pradesh and Uttar Pradesh.

2. After article 371H of the Constitution, the following article shall be inserted, namely:—

"371HA. Notwithstanding anything in this Constitution, the President may by order made with respect to the States of Madhya Pradesh and Uttar Pradesh, provide for any special responsibility of the Governors for—

(*a*) the establishment of separate development boards for Bundelkhand region of Madhya Pradesh and of Uttar Pradesh with the provision that a report on working of each of these boards will be placed each year before the respective State Legislative Assemblies;

(*b*) the equitable allocation of funds for developmental expenditure over the said area, subject to the overall requirements of each of the States; and

(*c*) an equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment in services under the control of the State Government, in respect of the said area, subject to the overall requirements of each of the States."

STATEMENT OF OBJECTS AND REASONS

The Bundelkhand region of Uttar Pradesh and Madhya Pradesh is the most neglected region of these States. As large percentage of people of this region are tribal and backward, special efforts are needed to protect the ethnic identity of the people of this region. In order to encourage people's participation in shaping their destiny, protecting ethnic character and alround socio-economic development, it is imperative that separate development boards for Bundelkhand region of Madhya Pradesh and Uttar Pradesh be set up as early as possible.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 10, 1996.

GANGA CHARAN RAJPUT.

BILL NO. 79 OF 1996

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Pondicherry) Scheduled Castes Order, 1964 and the Constitution (Sikkim) Scheduled Castes Order, 1978.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title a commence-ment.

1. (*1*) This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 1996.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of the Constitution (Scheduled Castes) Order, 1950.

2. In the Constitution (Scheduled Castes) Order, 1950,—

(*i*) In paragraph 2, the following explanation shall be added at the end, namely:—

"Explanation.—For the purposes of this Order, a member of the Scheduled Caste who has converted from the Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.";

(*ii*) Paragraph 3 shall be omitted.

Amendment of the Constitution (Scheduled Castes) (Union Territories) Order, 1951.

3. In the Constitution (Scheduled Castes) (Union Territories) Order, 1951,— C.O. 32.

(*i*) In paragraph 2, the following explanation shall be added at the end, namely:—

"Explanation.—For the purposes of this Order, a member of the Scheduled Caste who has converted from the Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.";

(*ii*) Paragraph 3 shall be omitted.

Amendment of the Constitution (Jammu and Kashmir) (Scheduled Castes) Order, 1956.

4. In the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, in paragraph 2, for the proviso, the following explanation shall be substituted, namely:— C.O. 52.

"Explanation.—For the purposes of this Order, a member of the Scheduled Caste who has converted from the Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.".

Amendment of the Constitution (Dadra and Nagar Haveli) (Scheduled Castes) Order, 1962.

5. In the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, in paragraph 2, for the proviso, the following explanation shall be substituted, namely:— C.O. 65.

"Explanation.—For the purposes of this Order, a member of the Scheduled Caste who has converted from the Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.".

Amendment of the Constitution (Pondicherry) Scheduled Castes Order, 1964.

6. In the Constitution (Pondicherry) Scheduled Castes Order, 1964, in paragraph 2, for the proviso, the following explanation shall be substituted, namely:— C.O. 68.

"Explanation.—For the purposes of this Order, a member of the Scheduled Caste who has converted from the Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.".

Amendment of the Constitution (Sikkim) Scheduled Castes Order, 1978.

7. In the Constitution (Sikkim) Scheduled Castes Order, 1978, in paragraph 2, for the proviso, the following explanation shall be substituted, namely:— C.O. 110.

"Explanation.—For the purposes of this Order, a member of the Scheduled Caste who has converted from the Hindu or Sikh or Buddhist religion to any other religion shall also be deemed to be belonging to a Scheduled Caste.".

STATEMENT OF OBJECTS AND REASONS

India is a secular and democratic republic. The Constitution provides for freedom of religion to all its citizens and prohibits discrimination on the basis of religion, caste, place of birth, etc. Thus, any law, rule or order which adopts religion as the sole basis of a certain dispensation of the State is violative of the spirit of the Constitution (Scheduled Castes) Order, 1950 providing for reservation and other benefits for Scheduled Castes. Thus, a large section of socially and economically deprived people belonging to other religious groups are deprived of these benefits. The only reason for this state of affairs is that they belong to certain other religious groups. When the Constitution of India prohibits discrimination on the basis of religion, a Constitution order cannot legalise such discrimination. It is, therefore, necessary to amend the various Constitution orders in order to conform them to the dictates of the Constitution.

This Bill seeks to achieve the above purpose.

NEW DELHI;
July 17, 1996.

P. J. KURIEN.

FINANCIAL MEMORANDUM

Clauses 2, 3, 4, 5, 6 and 7 of the Bill provides for extending the benefits, which at present are being enjoyed by the Scheduled Castes of Hindu, Sikh and Buddhist religions, to Scheduled Castes who have converted to other religions. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five crore is likely to be involved.

No non-recurring expenditure is likely to be involved.

BILL NO. 87 OF 1996

A Bill to provide for the compulsory teaching of Sanskrit language in schools.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Sanskrit Language (Compulsory Teaching in Schools) Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Compulsory teaching of Sanskrit language.

2. The Sanskrit language shall be taught as a compulsory subject in all schools from such class onwards as may be determined by the concerned State Government or the Union territory administration.

Central Government and State Governments to share cost equally.

3. The total expenditure to be incurred on the implementation of the provisions of this Act shall be shared by the Central Government and the respective State Governments equally.

Power to make rules.

4. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Sanskrit language represents the soul of India. It has been the vehicle of Indian thoughts for millions. Sanskrit contains literature of exemplary value and the finest Indian minds found the expression in it.

It is indeed very sad that such a language has suffered utter neglect. Although, it is included in the Eighth Schedule to the Constitution, enough has not been done to promote it. In a situation where the new generation is running away from its own roots and has developed a contempt for the cultural traditions of our country, the importance of teaching Sanskrit becomes a matter of crucial importance. The time has come when we must make sincere efforts to make the new generation aware of the great traditions of India. Teaching of Sanskrit in schools will enable our children to identify themselves with noble traditions and thoughts of our country.

Hence this Bill.

NEW DELHI;
July 17, 1996.

P. J. KURIEN.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the compulsory teaching of Sanskrit language in schools. Clause 3 provides that the total expenditure incurred on the implementation of the provisions of this Bill shall be borne by the Central Government and State Government on equal basis. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Although, the exact amount of expenditure cannot be estimated at this stage, a recurring expenditure of rupees ten crore per annum is likely to be involved out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules to be made will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 88 OF 1996

A Bill to provide the Indian citizens living abroad with the right to vote at elections to the House of the People and the Legislative Assemblies of States.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Indian Citizens Abroad (Voting Right at Elections) Act, 1996.

Definition.

2. In this Act, unless the context otherwise requires, 'Indian citizen living abroad' means an Indian citizen temporarily staying abroad for any work or for pursuing any avocation.

Right to vote to Indian citizens living abroad.

3. Notwithstanding anything contained in any other law for the time being in force, an Indian citizen living abroad shall have the right to vote in any election to the House of the People and the Legislative Assemblies of States.

4. The Election Commission of India shall make provision for and create an adequate machinery to enable Indian Citizens living abroad to exercise their franchise at every election to the House of the People and the Legislative Assemblies of States.

Creation of election machinery.

5. All diplomatic and consular officers of the Government of India shall act in aid of the Election Commission of India in the discharge of its functions under section 4.

Diplomatic and consular officers to help Election Commission of India.

6. The Central Government may make rules to carry out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Indian democracy is a vibrant democracy and people's participation through elections is its cornerstone. Millions of men and women participate in this process of shaping the destiny of the nation.

However, all citizens are not able to exercise their franchise at present because the law permits only the ordinarily resident citizens to register themselves as voters. This has deprived a very large number of Indian citizens working abroad the right to vote in elections. They have gone abroad to make a decent living and they contribute enormously for the well being of the country. So, it is only fair and proper that they be allowed to vote in the elections.

This Bill seeks to achieve the above objective.

NEW DELHI;
July 16, 1996.

P. J. KURIEN.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the creation of machinery to enable Indian citizens living abroad to vote at elections held in India from time to time. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an expenditure of about rupees two lakhs per annum and non-recurring expenditure of about rupees fifty thousand.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. The delegation of legislative power is of a normal character.

BILL No. 68 OF 1996

A Bill to provide for protection and welfare of unorganised labour and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Unorganised Labour Welfare Act, 1996.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means the Central Government or the State Government, as the case may be;

(*b*) "employer" means any person who employs, whether directly or indirectly or through another person, whether on behalf of himself or any other person, one or more employees in an industry or factory or establishment, where there is no trade union; and includes any other work or process as may be prescribed;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "trade union" means all labour unions which have been recognised by or under the authority of the Trade Unions Act, 1926; and 16 of 1926.

(*e*) "unorganised labour" means any class of persons employed for hire or reward to do any work, skilled or unskilled, manual or clerical including those employed in printing press, hotel, leather factories, agriculture, etc. where there is no trade union and include any class of out-workers to whom any articles or materials are given by another person to be made up, cleaned, printed, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of trade or business of that other person and where the processing to be carried out either in the house of the out-workers or in some other premises not being premises under the control and management of that other person and also includes such other labour as may be prescribed.

Provisions of minimum wages.

3. (*1*) Every employer shall pay to every unorganised labourer, employed by him, such minimum wages as may be prescribed:

Provided that different minimum wages may be prescribed for different types of work performed by the unorganised labour.

(*2*) The minimum wages referred to in sub-section (1) shall be revised after every six months in such manner as may be prescribed.

Hours of work.

4. (*1*) No unorganised labourer shall be required to work for more than eight hours, with half-an-hour rest, in a day.

(*2*) Where an unorganised labourer works in any employment for more than eight hours, on any day or for more than forty-eight hours in any week, he shall, in respect of such period which is beyond his scheduled hours of work, be entitled to such wages as may be prescribed.

Punishment.

5. Any person violating the provision of sections 3 and 4 shall be punished with imprisonment which shall be not less than five years and also with fine which shall be not less than five thousand rupees.

Census of unorganised labour.

6. (*1*) The appropriate Government shall conduct a district-wise triennial census of unorganised labour.

(*2*) The census shall be conducted in such manner and shall contain such information as may be prescribed.

Better employment facilities to unorganised labour.

7. (*1*) The appropriate Government shall provide better employment opportunities to the unorganised labour including employment in organised sector.

(*2*) The appropriate Government shall take into consideration the information collected through the census referred to in section 6 while providing better employment opportunities to the unorganised labour.

Compulsory insurance.

8. (*1*) Every employer shall compulsorily insure every unorganised labour employed by him against accident at the place of work.

(*2*) The amount of insurance shall be such as may be prescribed.

Establishment of Unorganised Labour Welfare Fund.

9. (*1*) There shall be established a fund in every State and Union territory to be known as the Unorganised Labour Welfare Fund by the appropriate Government.

(*2*) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(*3*) Every employer shall contribute to the Fund a sum equal to ten per cent. of the total wages paid to the unorganised labour employed by him.

Utilisation of Fund.

10. The fund established under section 9 shall be utilised for the following purposes, namely:—

(*i*) opening of schools for the unorganised labour and their children for the purpose of imparting functional educational and for the supply of free books, stationery, etc. to them;

(ii) proper housing facilities to unorganised labour;

(iii) medical care to the unorganised labour; and

(iv) such other material assistance to the unorganised labour as may be prescribed.

Power to make rules.

11. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the wages to be paid to unorganised labour including the wages for over-time work;

(*b*) prescribe the manner and mode of payment of minimum wages to the unorganised labour;

(*c*) prescribe the manner of revision of minimum wages;

(*d*) prescribe the authority and the manner for conducting the triennial census;

(*e*) prescribe the manner for providing the unorganised labour with better employment opportunities;

(*f*) prescribe the amount of insurance to unorganised labour; and

(*g*) provide for any other matter which is to be or may be prescribed.

STATEMENT OF OBJECTS AND REASONS

A large section of our population works as unorganised labour in various fields like agriculture, hotels, etc. Although, they are contributing in the economic development of the country, it is unfortunate that neither the State nor their employers have evolved any comprehensive welfare schemes for their socio-economic upliftment. On the other hand, rich farmers, landlords, contractors, etc. take advantage of their weak socio-economic position and thus exploit the situation by engaging them in various works on meagre wages. In the absence of payment of proper wages, they form a considerable part of our population which lives below the poverty line. Workers in the organised sector enjoy certain benefits like provident fund, gratuity, insurance, minimum wages, medical facilities, etc. and can force the employers through their respective trade unions to accede to their demands. But, workers in the unorganised sector, in the absence of trade unions, cannot assert their genuine rights.

It is, therefore, imperative that a law should be made to protect the rights of the unorganised labour.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 17, 1996.

DWARAKA NATH DAS.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every employer shall pay to every unorganised labourer, employed by him, such minimum wages as may be prescribed. Clause 6 provides that the appropriate Government shall conduct a district-wise triennial census of unorganised labour. Clause 7 provides for better employment opportunities to the unorganised labour including employment in organised sector by the appropriate Government. Clause 8 provides for compulsory insurance of every unorganised labour by his employer. Clause 9 provides for establishment of the Unorganised Labour Welfare Fund in each State and Union territory by the appropriate Government. As far as the implementation of the provisions of the Bill in the States is concerned, the expenditure shall be borne by the respective States. The Central Government shall have to incur some expenditure for carrying out the provisions of the Bill in respect of Union territories. The Central Government may also have to provide some financial assistance to the States for carrying out the provisions of the Bill.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

It is also likely to involve a non-recurring expenditure of about rupees twenty crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules to be made will relate matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 65 OF 1996

A *Bill to provide for protection and welfare of ex-tea garden labour and for matters connected therewith.*

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Ex-Tea Garden Labour Welfare Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "ex-tea garden labour" means any labourer, above the age of eighteen years, who had to leave his job as labour in any tea garden on account of retrenchment or otherwise but not voluntarily;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "sick tea garden" means any tea garden—

(i) which has been making losses for more than three years; or

(ii) in which the yield of tea during the last three years has been lower than such yield as may be prescribed; and

(d) "tea garden" means any land used for growing tea irrespective of the area of that land.

Survey of ex-tea garden labourers.

3. (*1*) The Central Government shall conduct survey of—

(a) all ex-tea garden labourers;

(b) all tea gardens including sick tea gardens, within one year of the coming into force of this Act.

(*2*) The survey shall be conducted in such manner as may be prescribed.

(*3*) A report based on the survey conducted under sub-section (*1*), containing such particulars, as may be prescribed, shall be prepared and presented to the Central Government.

Employment facilities.

4. (*1*) The Central Government shall, after taking into consideration the report of the survey, provide suitable employment including self-employment opportunities in small scale industries including cottage industries and in such other fields, as may be prescribed, to the ex-tea garden labourers.

(*2*) Any ex-tea garden labourer who is not provided with employment or self-employment opportunity within one year of the completion of the survey shall be given such amount of unemployment allowance per month as may be prescribed.

Revival of sick tea gardens.

5. The Central Government shall, after taking into consideration the report of the survey, take all such steps as are necessary for the revival of the sick tea gardens.

Ex-Tea Garden Labour Welfare Fund.

6. (*1*) The Central Government shall establish a fund to be known as Ex-tea Garden Labour Welfare Fund.

(*2*) The Central Government and State Governments shall contribute to the fund in such ratio as may be prescribed.

Utilisation of the Fund.

7. The Fund established under section 6 shall be utilised for the following purposes, namely:—

(a) life insurance of ex-tea garden labourers;

(b) free medical care of the ex-tea garden labourers;

(c) financing the ex-tea garden labourers seeking self-employment;

(d) providing unemployment allowance to ex-tea garden labourers; and

(e) such other assistance to the ex-tea garden labourers as may be prescribed.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Act to have overriding effect.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

A large number of labourers who used to work in various tea gardens in the country have become unemployed due to recession, retrenchment, etc. in the tea gardens. These labourers are living in miserable conditions. It is, therefore, necessary that the Central Government should provide them employment in other fields. Moreover, the Central Government should take steps for the revival of sick tea gardens so that ex-tea garden labourers can again be employed in these tea gardens.

Hence this Bill.

NEW DELHI;
July 17, 1996.

DWARAKA NATH DAS.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall conduct a survey of all ex-tea garden labourers and also of all tea gardens including sick tea gardens. It also provides for the preparation of a report based on the survey. Clause 4 provides that the Central Government shall provide suitable employment including self-employment opportunities to all ex-tea garden labourers. It further provides that any ex-tea garden labourer who is not provided with employment or self-employment facility within one year of the completion of the survey shall be given such unemployment allowance as may be prescribed. Clause 5 provides for taking of such steps by the Central Government as may be prescribed for the revival of sick tea gardens. Clause 6 provides for the establishment of a Ex-Tea Garden Labour Welfare Fund.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum.

It is also likely to involve a non-recurring expenditure of about rupees ten crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules to be made will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 51 OF 1996

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-seventh year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1996. Short title.

2. In the Preamble to the Constitution and wherever it occurs in the Constitution, for the word "India", the word "Hindustan" shall be substituted. Amendment of Preamble, etc.

STATEMENT OF OBJECTS AND REASONS

Article 1 of the Constitution states that 'India, that is Bharat' shall be a Union of States and territories as specified in the First Schedule. In the distant past this ancient motherland of ours was known as Bharat. The erstwhile foreign rulers of the country, the imperialist British, named the country as "India". The common man in the country knows it as "Hindustan". Even the great Urdu poet Iqbal in his famous and melodious poem "*Sare Jahan Se Achcha*" used the term "Hindustan" for the motherland. It is also observed that during the last 48 years of independence some State Undertakings/Enterprises have in their name the expression 'Hindustan' such as Hindustan Shipyard, Hindustan Aeronautics, Hindustan Anti-biotics and so on. Now after 46 years of the existence of our Sovereign, Socialist, Secular, Democratic Republic a significant stage has reached where the Republic should be named as "Hindustan". The present Bill seeks to amend the Constitution for the purpose.

NEW DELHI;
July 2, 1996.

RAM NAIK.

BILL NO. 53 OF 1996

A Bill to provide for payment of pension and provision of other rehabilitation facilities to old persons.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Old Age Pension and Rehabilitation Act, 1996

(*2*) It extends to the whole of India

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the State Government and in the case of a Union territory, the Central Government; and

(*b*) "old person" means any person who has attained the age of sixty years or more and who has no independent and adequate means of livelihood.

Pension to old persons.

3. (*1*) **Every old person shall, on an application made in the prescribed form, be paid rupees one thousand per mensem as pension, by the appropriate Government.**

(*2*) **The pension payable shall be subject to alteration on the basis of the prevailing cost-index as may be determined by the Central Government.**

(*3*) The pension referred to in sub-section (*1*) shall be disbursed to old persons by the appropriate Government through Government Treasury or any branch of nationalised bank as may be prescribed by the Central Government.

Facilities for infirm persons.

4. The infirm from amongst the old persons shall be kept in "Old Persons Homes" to be set up in every district by the appropriate Government.

Facilities to old persons.

5. It shall be the responsibility of appropriate Government in their respective jurisdictions to provide to old persons—

(*a*) **free medical aid in Government hospitals and other nearest dispensaries recognised by the Government; and**

(*b*) **residential accommodation free of cost.**

Constitution of Old Persons Welfare Fund.

6. (*1*) **There shall be constituted by the Central Government a Fund to be known as the "Old Persons Welfare Fund" to carry out the purposes of this Act.**

(*2*) **The Fund shall consist of the sums paid into it by the Central Government and grants and donations received from welfare agencies including international agencies.**

Expenses to be met out of the Fund.

7. The expenses incurred on providing the old persons with pension and other rehabilitation facilities provided under this Act shall be met out of the Fund constituted under section 6.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

It is customary in our country for every Indian to look after his aged parents but now the economic conditions are such that it is not possible for the low income persons to support them. Today we find millions of old persons who are unable to take care of themselves or who do not have sufficient means or any support to lead a happy life. These people, who are without any source of income, live in hunger and are left uncared for. The majority of the aged are still left to fend for themselves. Our country being a welfare State, it should provide social security to such old and infirm persons.

This Bill seeks to give impetus to the new social order and seeks to provide pension, medical and residential facilities to old persons.

NEW DELHI;
July 2, 1996.

RAM NAIK.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of pension at the rate of rupees one thousand per month to such old persons who have attained the age of 60 years or more and who have no independent and adequate means of livelihood. Clause 4 provides that infirm persons from amongst the old persons shall be accommodated in old persons homes to be set up in every district. Clause 5 provides for medical aid and residential facilities free of cost to old persons. Clause 6 provides for the constitution of Old Persons Welfare Fund by the Central Government. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India.

It cannot be estimated at this stage as to how many old persons will need assistance from the Central Government. However, an annual recurring expenditure of about rupees four hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees twenty lakh will also be involved at the initial stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 54 OF 1996

A Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971,— 40 of 1971.

(i) in clause *(e)*, in sub-clause (2), items *(i)* and *(ii)* shall be omitted; and

(ii) in clause *(fa)*, sub-clauses *(ii)* and *(iii)* shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The recent judgement of the Bombay High Court and that of the Supreme Court in which it has been held that the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, takes precedence over the Rent Control Act has created a number of difficulties for the old tenants who have been residing there for a number of years. The purpose of the Act was to safeguard the interest of Government buildings and to evict the unauthorised occupants such as those employees who are staying in Government accommodation even after their retirement from service or others who have been put in there unauthorisedly by employees. Expansion of public sector undertakings such as Government owned companies, nationalised banks and other nationalised sectors has brought in a number of old tenants under the purview of this Act. As a result of this and due to the above said judgement the old tenants have lost protection of the Rent Control Act. In fact there are enough provisions under the Companies Act, 1956 and/or under Rent Control Act to take care of those who are occupying the Government buildings without authority.

Under these circumstances, the amendment is imperative to exclude such public sector undertakings from the purview of the Act so as to give relief to old tenants. It is also necessary to bring the Government Companies on par with the private landlords. Another important aspect is the tenancy right which is a valuable right in cities and there is no reason to deprive the tenants of the same without any reason.

Hence this Bill.

NEW DELHI;
July 2, 1996.

RAM NAIK.

BILL No. 71 OF 1996

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1996. Short title.

2. After article 16 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 16A.

"16A. *(1)* All adult citizens shall have the right to work, that is the right to guaranteed employment and payment for their work in accordance with its quantity and quality, so as to ensure them adequate means of livelihood. Right to work.

***(2)* Where a citizen is not provided with work to enable him to earn his livelihood, the State shall render him assistance with unemployment allowance.**

Amendment of article 19.

3. In article 19 of the Constitution, in clause *(1)*, after sub-clause *(g)*, the following sub-clauses shall be added, namely:—

"**(*h*) to public assistance in case of old age, sickness and disablement, and in other cases of underserved want;**

(*i*) to education upto such level as may be fixed by law.

Omission of article 41.

4. Article 41 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Article 41 of the Constitution provides that the State shall secure for its citizens the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. This article has, however, not achieved its desired purpose.

Unemployment has assumed alarming proportions. In a welfare State, it is the duty of the Government to provide work to all its citizens. If the State fails to procure adequate means of livelihood to any of its citizens, it should render assistance to them in the form of unemployment allowance.

The ambit of article 19 has to be extended to ensure for our citizens freedom from want and illiteracy. Provision for relief in case of undeserved want is a common feature of modern state and in many other countries much progress has been made in this direction. Inspite of the directive principles, nothing substantial has been done till now in our country.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 22, 1996.

G.M. BANATWALLA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for right to work to all adult citizens and, where a citizen is not provided with work, for rendering assistance in the form of unemployment allowance.

Clause 3 of the Bill provides for public assistance in cases of old age, sickness and disablement, and in other cases of undeserved want.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is difficult to make any precise estimate of expenditure. However, a recurring expenditure of rupees one hundred crore is likely to be involved per annum.

A non-recurring expenditure of rupees five lakh is also likely to be involved.

BILL NO. 73 OF 1996

A Bill to provide for a scheme for eradication of unemployment from the country.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Eradication of Unemployment Act, 1996.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act,—

(*a*) "Government" means the Central Government; and

(*b*) "prescribed" means prescribed by rules made under this Act.

Employment to citizens.

3. The Government shall endeavour to provide every citizen who has attained the age of eighteen years and who is registered at the Employment Exchange with employment suited to his age, qualification and strength.

Grant of unemployment allowance.

4. Till such time as employment is provided to a citizen under section 3, he or she shall be entitled to such unemployment allowance, as may be prescribed.

Unemployment Insurance Scheme.

5. An Unemployment Insurance Scheme shall be started by the Government so as to provide for a special fund for the grant of unemployment allowance under this Act.

Contribution to Unemployment Insurance Scheme.

6. A citizen who has registered himself at the Employment Exchange shall be eligible to receive benefit of unemployment allowance under this Act subject to his furnishing an agreement to contribute to the Unemployment Insurance Scheme for a prescribed period immediately after securing employment at a rate as may be prescribed.

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for the following matters, namely:—

(*a*) the rate of unemployment allowance referred to in section 4 and different rates may be prescribed on the basis of qualification and skills;

(*b*) the necessary details of the unemployment insurance scheme;

(*c*) the rate of contribution to the Unemployment Insurance Scheme under section 6;

(*d*) the procedure to regulate all payments under this Act;

(*e*) any other matter which is required to be, or may be, prescribed.

STATEMENT OF OBJECTS AND REASONS

The problem of unemployment has assumed menacing proportions. Even the educated citizens are rendered indigent. Lack of opportunity of employment in the country is also leading to brain drain and exodus of a large number of skilled and unskilled persons abroad. It is time that concerted efforts are made by the State to assure employment to the citizens of the country and to provide unemployment relief to those who have not been able to secure employment. It is also necessary to promote an unemployment insurance scheme for the purpose, so that the scheme may serve to finance the funds for the unemployment relief.

Hence the Bill.

NEW DELHI;
July 22, 1996.

G. M. BANATWALLA.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide unemployment allowance to the citizens who have attained the age of eighteen years or above. This provision involves a recurring expenditure of about one hundred crore rupees per annum from the Consolidated Fund of India. The recurring expenditure is expected to reduce substantially as and when employment is provided.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Government to make rules for fixing the rate of unemployment allowance. Similarly, clause 6 empowers the Government to fix the rate of contribution to Unemployment Insurance Scheme.

Clause 7 empowers the Government to make rules for carrying out the provisions of the Bill. The matters in respect of which such rules may be made would relate to matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself.

The delegation of the legislative power is of a normal character.

BILL NO. 61 OF 1996

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1996.

Amendment of article 19.

2. In article 19 of the Constitution,—

(*i*) in clause (*1*), after sub-clause (*g*), the following sub-clause shall be inserted, namely:—

"(*h*) to vote;

(i) to contest election with equal Protection of law."; and

(*ii*) after clause (*6*), the following clause shall be added, namely:—

"(*7*) Nothing in sub-clause (*h*) of the said clause shall prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause, in pursuance of articles 326, 327 and 328."

STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world but, strangely, the right to vote and the right to be a candidate at elections are not considered as fundamental rights.

The Bill seeks to remove this anomaly by making these rights as fundamental rights by amending article 19 of the Constitution.

NEW DELHI;
July 24, 1996.

G. M. BANATWALLA.

BILL NO. 81 OF 1996

A Bill to provide for declaration and public scrutiny of assets of Ministers, Members of Parliament and Civil Servants.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Declaration of Assets by Ministers, Members of Parliament and Civil Servants Act, 1996.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "asset" includes all properties, both movable and immovable, held by the Ministers or by the Members of Parliament or by the Civil Servants or by their dependents, legally or in *benami* within the country and/or abroad;

(ii) "Chairman" means Chairman of the Council of States;

(iii) "civil servant" means and includes a person appointed to public services and posts in connection with the affairs of the Union and who draws a basic salary of rupees five thousand or more per month;

(iv) "dependent" includes spouse, parents, sons and unmarried daughters;

(v) "Member of Parliament" means Member of the Council of States or of the House of the People, as the case may be;

(vi) "Minister" means Cabinet Minister of the Union Government and includes the Prime Minister, Minister of State and Deputy Minister;

(vii) "prescribed" means prescribed by rules made under this Act; and

(viii) "Speaker" means the Speaker of the House of the People.

Declaration of assets by Ministers and Members of Parliament.

3. *(1)* Every Minister shall, within one month of his appointment as such minister, submit to the Speaker or the Chairman, as the case may be, a return of all the assets possessed by him and his dependents, in such manner and form, as may be prescribed:

Provided that where the Minister is not a Member of either House of Parliament, he shall submit a return of all the assets possessed by him and his dependents to the Speaker within one month of the swearing in as such Minister under article 75 of the Constitution of India.

(2) Every Member of Parliament shall within one month of the date of his election as such member, submit to the Speaker or the Chairman, as the case may be, a return of all the assets possessed by him and his dependents in such manner and form, as may be prescribed.

Declaration of assets by Civil Servants.

4. Every civil servant shall, within a period of one month from the coming into force of this Act, furnish the particulars of all the assets possessed by him and his dependents to the prescribed authority, in such manner and form, as may be prescribed.

Submission of annual returns.

5. It shall be incumbent on the part of every Minister and every Member of Parliament to submit a return of the assets held by him and his dependents, within one month of the beginning of the next financial year, to the Speaker or the Chairman, as the case may be.

(2) Every Civil servant shall, throughout the term of his office, submit annual returns of the assets held or acquired by him and any of his dependents, within one month of the beginning of the next financial year to such authority of the Union Government, as may be prescribed.

Returns filed by Ministers and Members of Parliament to be made available to the Public.

6. A copy of the returns filed by Ministers and Members of Parliament shall be made available to any member of public on payment of such fee, as may be prescribed.

Returns filed by the Civil servants to be laid before Houses of Parliament.

7. A copy of the returns filed by civil servants under sub-section (2) of section 5 shall be sumbitted to the President who shall cause the same to be laid before each House of Parliament.

(2) A copy of all the declarations made by the civil servants under this Act shall be made available to any member of public on payment of such fee, as may be prescribed.

Announcement of names of Ministers and Members of Parliament who fail to submit returns.

8. The Speaker or the Chairman, as the case may be, may announce the name of the Minister or Member of Parliament who fails to submit the returns according to the provisions of this Act.

9. Any civil servant who fails to submit the returns according to the provisions of this Act shall be subject to such action, as may be prescribed.

Action against Civil servants who fail to submit returns.

10. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

(i) the form in which the declaration of assets shall be furnished;

(ii) the manner in which the declarations shall be scrutinised;

(iii) the action to be taken in case of declaration of assets furnished by a Member of Parliament or by Minister or by a civil servant is false;

(iv) the action to be taken in case of delayed declaration of assets by civil servants; and

(v) any other matter that is necessary to carry on the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The last few years have witnessed the increase in political corruption. The involvement of names of Ministers and Legislators, not only at the Central level but also at the State levels, in corruption cases, has not only brought disgrace, discredit and regret to the esteemed organisations of Parliament, Central Executive, State Legislatures and State Governments but to make worse of all, has forced people to doubt the integrity and honesty, the basic tenets of the institution of democracy, associated with the political system. The faith of public in the institution of democracy is on the decline. To restore public faith in the political system, it is necessary that Ministers and Members of Parliament declare their assets regularly. Such a step will not only prohibit the misuse of political power but will also set an example for public morality which can be emulated by others. The Members of Parliament are the representatives of the people. They should carry clean image before the public. Going by the prevailing political culture in India and the moral degeneracy that has of late set in our public life, there is need for a law that makes periodic declaration of assets by all Ministers and Members of Parliament compulsory.

The Civil servants have also amassed assets disproportionate to the known sources of their income. Very often such assets are held in *benami* or in the name of their family members. The arm of law does not extend to them in many cases. The departmental requirement of furnishing returns of property by civil servants is neither adequate nor effective. In any case, once a person chooses to work as a civil servant, his assets should be known to the Legislature and through them to the public whom the civil servants are supposed to serve. The Bill, therefore, provides for annual declaration of assets held or acquired by Ministers, Members of Parliament and civil servants as well as by their dependents in order to let the people know that their representatives in Parliament and civil servants do not have assets disproportionate to their known sources of income.

Hence this Bill.

NEW DELHI;
July 25, 1996.

BACHI SINGH RAWAT.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules to be framed will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 74 OF 1996

A Bill to provide for the welfare of destitute women and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Destitute Women Welfare Act, 1996.

(*2*) It extends to the whole of India.

Definition.

2. In this Act, unless the context otherwise requires, "destitute woman" means any female citizen of India who is a widow or a divorcee and who has no independent source of livelihood or who has nobody to support her.

Establishment of Destitute Women Welfare Authority.

3. The Central Government shall establish, in every district of the country, an Authority to be known as the "Destitute Women Welfare Authority."

Functions of the Authority.

4. It shall be the duty of every Authority,—

(i) **to register all destitute women residing in its respective jurisdiction; and**

(ii) **to work out plans and formulate schemes for the welfare of destitute women.**

Facilities to destitute women.

5. The Central Government shall provide to every destitute woman, who is registered under section 4, the following facilities, namely:—

(a) **gainful employment;**

(b) **free education including higher education;**

(c) **free medical aid; and**

(d) **such other facilities, as may be necessary, for her proper development, welfare and maintenance:**

Provided that if a destitute woman gets re-married, all the facilities provided under this Act, shall be withdrawn.

Power to make rules.

6. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Even after forty-nine years of independence, a large number of widow and divorced women are living without any Government aid or facility. Most of them are unemployed and do not get nutriment and suffer from various ailments and die prematurely. It is the primary responsibility of the Government to ensure that they should be given all such opportunities and facilities so as to develop in a healthy atmosphere and they should also be protected from all kinds of exploitation.

It is, therefore, necessary that legislation for the welfare and protection of these destitute women be enacted.

Hence this Bill.

NEW DELHI;
July 25, 1996.

BHAGWAN SHANKAR RAWAT.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of "Destitute Women Welfare Authority" in every district by the Central Government. Clause 4 provides that every Destitute Women Welfare Authority shall work out plans and formulate schemes for the welfare of the destitute women and shall also register all the destitute women residing in its respective jurisdiction. Clause 5 provides for providing of gainful employment, free education including higher education, etc. to all destitute women by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty-five lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees four lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 78 OF 1996

A Bill to provide for the establishment of a permanent Bench of the High Court at Allahabad at Agra.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court at Allahabad (Establishment of a permanent Bench at Agra) Act, 1996.

Establishment of a permanent Bench of the High Court at Allahabad at Agra.

2. There shall be established a permanent Bench of the High Court at Allahabad at Agra and such Judges of the High Court at Allahabad, being not less than three in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Agra in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Farukhabad, Etawah, Agra, Aligarh, Mathura, Mainpuri, Etah and Firozabad.

STATEMENT OF OBJECTS AND REASONS

There has been a persistent demand for setting up of a permanent Bench of the High Court at Allahabad in western Uttar Pradesh. More than 25,000 cases have been pending in Allahabad High Court for quite a long time.

Agra city is a central place in western Uttar Pradesh where latest communication and transport facilities are available. At present, the people belonging to the districts of western Uttar Pradesh have to travel to Allahabad in connection with their cases. It is a time consuming and costly affair. In the interest of speedy and cheap justice and convenience of the litigant public, it is necessary to establish a permanent Bench of the High Court at Allahabad at Agra.

The Jaswant Singh Commission, appointed to go into issues regarding establishment of Benches of various Courts had recommended that a Bench of the High Court at Allahabad be established in western Uttar Pradesh.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 25, 1996.

BHAGWAN SHANKAR RAWAT.

BILL NO. 69 OF 1996

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Omission of article 44.

2. Article 44 of the Constitution shall be omitted.

Insertion of new Part IVB.

3. After Part IVA of the Constitution, the following Part and article thereunder shall be inserted, namely:—

"PART IVB
UNIFORM CIVIL LAW

Definition.

51B. In this Part, unless the context otherwise requires, "the State" has the same meaning as in Part III.

Uniform civil code for the citizens.

51C. The State shall secure for the citizens a uniform civil code throughout the territory of India."

STATEMENT OF OBJECTS AND REASONS

The Constitution makers, while framing the Constitution of India gave a direction to the Government that they should try to make uniform civil laws for all citizens throughout the country. The intention behind this was that when secularism was the avowed object of the Constitution, there should not be various civil laws based on different religions. Moreover, our country is not a theocratic State. It has no State religion. However, various civil laws in force at present are based on different religions.

At the direction to the Government to make uniform civil law is in the Directive Principles of State Policy, it is not enforceable in any court of law and as such no attempt has been made to bring uniform civil code. To ensure uniformity, equality and social justice, it is imperative that a uniform civil code should be brought at the earliest. The Bill, accordingly, seeks to amend the Constitution.

NEW DELHI;
July 25, 1996.

BHAGWAN SHANKAR RAWAT.

BILL No. 70 OF 1996

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1996.

Insertion of new article 18A.

2. After article 18 of the Constitution, the following sub-heading and article shall be inserted, namely:—

"Right to Employment

Right to employment and Unemployment allowance.

18A. *(1)* **Every citizen, whose name is registered with the Employment Exchange set up by the State, shall have the right to employment.**

(2) **Every citizen mentioned in clause** *(1)*, **who has not been provided with employment through the Employment Exchange, shall be given an unemployment allowance at the rate of rupees three hundred per month till the time he is provided with employment".**

STATEMENT OF OBJECTS AND REASONS

The capacity and talent of youth in our country can be fully harnessed by providing suitable employment to each one of them whose name is registered with the Employment Exchanges. If we utilize the entire man-power of our country, our nation can become more prosperous.

The aspiration of the people of our country is that every youth should be employed. Not even a single youth should have been without employment after 49 years of our Independence. But there is a long queue of unemployed youths who are registered with the Employment Exchanges even today. All unemployed young men and women whose names are registered with Employment Exchanges, should be given unemployment allowance till they get employment through Employment Exchanges. For achieving the socialistic objective enshrined in the Constitution, the right to employment should be made a fundamental right.

This Bill seeks to achieve this object.

NEW DELHI;
July 25, 1996.

BHAGWAN SHANKAR RAWAT.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that all citizens who have registered with Employment Exchange shall have the right to employment. A provision has also been made in this Bill to give Rs. 300/- per month as unemployment allowance to every unemployed citizen whose name is registered with Employment Exchange and who has not been provided with employment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of Union Territories and for giving grants-in-aid to the States for meeting their entire expenditure on this account. It is estimated that it will involve a recurring expenditure of rupees twenty crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees one and a half crore is also expected to be incurred.

BILL NO. 67 OF 1996

A Bill to prohibit institution, promotion, conduct and sale of lotteries and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Lotteries (Prohibition) Act, 1996.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires, "lottery" means making arrangement for distributing prizes through draw of lots by shuffling numbers corresponding to those on tickets among the purchasers of such numbered tickets.

Prohibition of lotteries.

3. (*1*) The Central or the State Government or any organisation or undertaking under its control shall not promote, conduct and put for sale any lottery or lottery tickets in any manner whatsoever or receive or remit any money in pursuance of such lottery.

(2) No person, including a corporate body and a co-operative, who is a resident of or is based in any Union territory including the National Capital Territory of Delhi, shall float, promote, conduct and put for sale any lottery or lottery tickets in any manner whatsoever or receive or remit any money in pursuance of such lottery.

Punishment.

4. (1) Any person who contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to ten years or with fine which may extend to rupees one lakh or with both.

(2) Any person who with a view to the promotion or conduct of any lottery in contravention of the provisions of this Act,—

(*a*) prints or publishes any ticket for use in a lottery; or

(*b*) sells or distributes or offers or advertises for sale or distribution or has in his possession for the purpose of sale or distribution of any ticket for use in the lottery; or

(*c*) uses any premises or causes or knowingly permits any premises to be used for purposes connected with a lottery; or

(*d*) causes or procures or attempts to procure any person to do any of the above mentioned acts,

shall be punishable with imprisonment for a term which may extend to seven years or with fine which may extend to eighty thousand rupees or with both.

Offences by companies and Departments, etc. under the control of Government.

5. Notwithstanding anything contained in any other law for the time being in force, where an offence under this Act has been committed by a company or a Department or any undertaking or any organisation under the control of the Central or a State Government, every person who, at the time when the offence was committed, was in-charge of and was responsible to such company or the Department or undertaking or organisation, as the case may be, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Court empowered to try offences.

6. No court inferior to that of a Chief Metropolitan Magistrate or, as the case may be, Chief Judicial Magistrate shall try any offence punishable under this Act.

Offences to cognizable.

7. All offences punishable under this Act shall be cognizable.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

People, especially, those belonging to economically weaker sections, have a desire, nay craze, to become millionaires, overnight. In pursuit of this craze, they resort to various games of chance, such as gambling, *satta, matka,* horse races and last but not the least, lotteries. Lotteries run by Government, both Central and States, offer a greater lure to poor man since it by implication, seemingly involves Government security, even though Government lotteries are as elusive and deceptive as any other lottery and other games of chance—a trial of luck.

To exploit this instinct of the common man, the promoters of lotteries evolve varied dubious means to attract more and more people to invest in lotteries and corner the gains to serve their vested interests. Many have started daily, weekly, bi-weekly, fortnightly and monthly lotteries, with several schemes offering crores of rupees as prize-money which only lures and eludes. Soon lottery-ticket purchasing goes deep into the psyche of common man like an addiction, hard to give up.

Since lotteries, both public and private, like all games of chance, in a way, constitute gambling, depriving the common man of his hard-earned savings, in his desire for achieving an *Eldorado* of his dreams, a mirage, which eludes the most, and comes into reach but rarely, leaving all including winners in the condition of hard boiled *addicts.* Many families have been ruined in the process. Some unscrupulous elements have introduced *Satta* business in lottery tickets duping the people in craze of money. This gambling, though recognised as legal under the constitution and various State-laws, have to be stopped in the larger interests of the society. Even though it is a legal means to collect revenues, but at what cost?

The cost is too high for the society to afford for it leads to the ruin of a large number of families and millions of people to a condition of addiction.

Amazingly, for over 49 years after independent, and forty-six years after the adoption of the Constitution of India, no Central law has been enacted for regulation or prohibition of Central and State Government lotteries under entry 40 of List I—Union List of the Seventh Schedule to the Constitution of India. It would, thus, be prudent to ban all sorts of lotteries, public and private to save the common man from this trap.

This Bill thus seeks to ban all lotteries, State run and privately floated.

NEW DELHI;
July 31, 1996.

VIJAY GOEL.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of normal character.

BILL NO. 97 OF 1996

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1996. Short title.

2. After article 371H of the Constitution, the following article shall be inserted, namely:— Insertion of new article 371HA.

"371HA. (*1*) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Uttar Pradesh, provide for any special responsibility of the Governor for ensuring the social and economic advancement of people living in the Hill Areas of Uttar Pradesh. Special provision with respect to the State of Uttar Pradesh.

(2) An order made under clause (1) may, in particular,—

(*a*) require the Governor to make, annually, or whenever so required by the President, a report to the President regarding the administration of the Hill Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said Areas;

(*b*) authorise the Governor to provide, by order, having regard to the requirements of the State as a whole, for equitable opportunities and facilities for the people living in the Hill Areas of the State, in the matter of public

employment and education including reservation in services under the control of the State Government and reservation in admissions to any University within the State and in any other educational institutions under the control of State Government; and

(*c*) where any money is provided by the Government of India to the Government of Uttar Pradesh to meet the requirements of the State of Uttar Pradesh as a whole, authorise the Governor to arrange, in his discretion, for an equitable allocation of that money between the Hill Areas and the rest of the State.

Explanation.— In this article, the expression "Hill Areas" means districts of Pauri, Chamoli, Tehri, Almora, Nainital, Pithoragarh, Uttar Kashi and the hilly terrain of the districts of Dehradun and Udham Singh Nagar in the State of Uttar Pradesh and shall include such other areas as the President may, by order, declare to be Hill Areas.".

STATEMENT OF OBJECTS AND REASONS

The State of Uttar Pradesh is one of the largest States of India. The State covers not only the plains but also a vast hilly area spread along the Himalayan belt. The social and economic problems of people living in hilly areas differ in nature from the problems of the people living in plains because of complex geographical location and require special treatment. The people of the hilly areas are not getting due attention from the present administration which is required for the overall development of the area and one of the main reasons for this is the vastness of the area of the State. Over the years, no major developmental activities have been initiated in these areas and the people in these areas have, by and large, remained backward—socially, educationally and economically and feel left out of the mainstream.

Though the people of the region have been demanding a separate State of Uttaranchal consisting of certain hill areas for the alround development of the State and there is no denying the fact that only a separate State of Uttaranchal can pave the way for development in hill areas, yet, it is felt that the creation of separate State may take some time because of certain political and administrative reasons.

The Bill, therefore, seeks to entrust the Governor of the State with special responsibility of overall development of the hill areas and its people.

Hence, this Bill.

NEW DELHI;
August 5, 1996.

BACHI SINGH RAWAT.

S. GOPALAN,
Secretary-General.

PRINTED BY THE MANAGER GOVERNMENT OF INDIA PRESS (PLU) MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI-1996.